

**APPROVED MINUTES\***  
**SUNNYVALE CITY COUNCIL**  
**TUESDAY, MAY 5, 2009**

**5 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

Performance Evaluation for City Attorney (informal mid-year review)

**6 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

Performance Evaluation for City Manager (informal mid-year review)

**7 P.M. COUNCIL MEETING**

**CALL TO ORDER**

**SALUTE TO THE FLAG**

Vice Mayor Moylan led the salute to the flag.

**ROLL CALL**

**PRESENT:**

Vice Mayor Christopher Moylan  
Councilmember John Howe  
Councilmember Melinda Hamilton  
Councilmember David Whittum  
Councilmember Dean J. Chu

**ABSENT:**

Mayor Anthony Spitaleri (excused)  
Councilmember Ron Swegles (excused)

**STAFF PRESENT:**

City Manager Gary Luebbers  
Assistant City Manager Robert Walker  
City Attorney David Kahn  
Director of Community Development Hanson Hom  
Director of Information Technology Cuong Nguyen  
Director of Public Works Marvin Rose  
City Clerk Kathleen Franco Simmons

**SPECIAL ORDER OF THE DAY – Proclamation Recognizing National Public Works Week**

*\* Approved as amended by Council, May 12, 2009*

## **CLOSED SESSION REPORT FOR MAY 5, 2009**

### **Performance Evaluation for City Attorney (informal mid-year review)**

### **Performance Evaluation for City Manager (informal mid-year review)**

Vice Mayor Moylan reported that both closed sessions were mid-year, informal evaluations for the city attorney and city manager, and that no action was taken and no direction was given.

## **PUBLIC ANNOUNCEMENTS**

Councilmember Howe announced the opening of nominations for this year's City of Sunnyvale Community Awards for: Distinguished Resident of the Year, Outstanding High School Senior of the Year, Outstanding Community Volunteer of the Year, Outstanding Businessperson of the Year, Outstanding Educator of the Year, Outstanding Environmental Achievement and Outstanding Contribution to the Arts.

Councilmember Howe reported he, Mayor Spitaleri, Vice Mayor Moylan, Councilmember Chu and Director of Public Works Marvin Rose attended the opening of the Mary Avenue Bike Bridge.

Roger Coleman, President of the Sunnyvale Lawn Bowls Club, provided information regarding the California Lawn Bowls Day events and open house May 9, 2009.

Councilmember Chu reported he attended a Tea event at the Sunnyvale Heritage Museum and encouraged others to attend future events.

Councilmember Chu reported he and Mayor Spitaleri participated in the recent Bicycle Challenge event and thanked Don Johnson and all of the volunteers for organizing the event.

## **PRESENTATIONS:**

Larry Klamecki, Interim Director of Asset and Economic Development, provided a presentation regarding the Santa Clara County Fairgrounds.

Adam Burns, representing Pacific Gas and Electric Company, presented a rebate check recognizing the City's virtualization project to Vice Mayor Moylan and Director of Information Technology Cuong Nguyen.

## **CONSENT CALENDAR**

Vice Mayor Moylan reported the consent calendar includes minutes for which several minor corrections were provided prior to the meeting.

MOTION: Councilmember Chu moved, and Councilmember Whittum seconded, to approve the Consent Calendar.

VOTE: 5-0 (Mayor Spitaleri and Councilmember Swegles absent)

**1.A. Approval of Council Meeting Minutes of March 24, 2009**

**1.B. Approval of Council Meeting Minutes of April 21, 2009**

**1.C. Approval of Information/Action Items – Council Directions to Staff**

**Fiscal Items**

- 1.D. RTC 09-111 List of Claims and Bills Approved for Payment by the City Manager - List No. 451**

Staff Recommendation: Council reviews the attached lists of bills.

- 1.E. RTC 09-107 City of Sunnyvale Investment Report – 1<sup>st</sup> Quarter 2009**

Staff Recommendation: City Council receives and files the investment report.

- 1.F. RTC 09-110 Adopt a Resolution to Authorize the Filing of the Fiscal Year 2009/10 Transportation Development Act Article 3 Application for Pedestrian and Bicycle Projects**

Staff Recommendation: Staff and the Bicycle and Pedestrian Advisory Commission recommend Alternative No.1 – Council adopts the attached resolution authorizing the filing of a project application with the VTA and MTC for allocation of Transportation Development Act funds for FY 2009/10 for pedestrian/bicycle projects.

**Contracts**

- 1.G. RTC 09-112 Award of Contract for the Cooperative Purchase of Office Supplies (F0804-67)**

Staff Recommendation: Council awards a one-year contract, in substantially the same form as the attached draft, not-to-exceed the budgeted amount for Citywide office supplies, to OfficeMax for the purchase of office supplies, based upon the Oakland County, Michigan, cooperative contract, and delegates authority to the city manager to exercise an option to extend the contract for an additional one-year period, provided that pricing and service remain acceptable to the City.

- 1.H. RTC 09-113 Award of Contract for a Multi-department Operational Efficiency and Optimum Staffing Study and Approval of Budget Modification No. 34**

Staff Recommendation: Council awards a contract to Matrix Consulting Group, in substantially the same form as the attached draft and in an amount not to exceed \$149,000 to conduct an operational efficiency and optimum staffing study of the Departments of Community Development, Community Services, Human Resources, Information Technology, Libraries, Office of the City Attorney and the Office of the City Manager, and Council approves Budget Modification No. 34 appropriating \$32,900 from FY 2009/10 Into Project 827390.

**Other**

**1.I. RTC 09-108 Authorization for NOVA to Award Subcontracts for Summer Youth Employment Program Totaling \$211,519**

Staff Recommendation: Council, on behalf of the NOVA seven-city consortium and in concurrence with the NOVA Workforce Board, adopts Alternative No.1 - Council authorizes the award of subcontracts totaling \$211,519 to the 10 organizations identified in this report for the purpose of providing youth with education and training services in summer 2009.

**STAFF RESPONSES TO PRIOR PUBLIC COMMENTS**

None

**PUBLIC COMMENTS**

None

**PUBLIC HEARINGS/GENERAL BUSINESS**

**2. RTC 09-115 Request for Continuation of Consideration of Approval of Substantial Amendment to FY 2008/09 Action Plan**

Director of Community Development Hanson Hon provided a brief report and recommended continuation of public hearing items 2 and 3 to May 12, 2009.

Vice Mayor Moylan asked if any members of the public were present to speak regarding items 2 or 3. No members of the public expressed an interest in addressing the council regarding items 2 or 3.

MOTION: Councilmember Howe moved, and Councilmember Whittum seconded, to approve continuation of public hearing items 2 and 3 to the May 12, 2009, Council meeting due to HUD's delay in notifying the City of the status and amount of its 2009 entitlement grants.

VOTE: 5-0 (Mayor Spitaleri and Councilmember Swegles absent)

**3. RTC 09-116 Request for Continuation of Consideration of Approval of FY 2009/10 Action Plan: Recommendation for Use of Community Development Block Grant (CDBG) and HOME Funds**

This item was continued to the May 12, 2009, Council meeting by the previous motion.

**4. RTC 09-099 Ordinance Amending Chapter 12.04 (Sewerage System); Chapter 12.12 (Sewer Use Regulations); and Chapter 12.18 (Enforcement) of Title 12 (Water and Sewers) of the Sunnyvale Municipal Code Relating to Regulations of the Publicly Owned Treatment Works**

Department of Public Works Environmental Division Manager Lorrie Gervin presented the staff report.

Public hearing opened at 7:31 p.m.

No speakers

Public hearing closed at 7:31 p.m.

City Clerk Kathleen Franco Simmons read the ordinance title into the record.

MOTION: Councilmember Hamilton moved, and Councilmember Howe seconded, to approve Alternative No. 1: Council adopts the proposed ordinance amending Title 12. Chapters 12.04, 12.12, 12.18 of the Sunnyvale Municipal Code to incorporate the required, and some optional provisions, in accordance with revisions to 40 CFR Part 403.

VOTE: 5-0 (Mayor Spitaleri and Councilmember Swegles absent)

### **COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

Councilmember Howe reported that for the fourth year in a row, the budget for the Local Agency Formation and Development Commission (LAFCO) has gone down with no increases for any of the governmental agencies involved. Councilmember Howe requested Council hold a 15- to 30-minute informational study session in a workshop setting within the next 30 to 60 days on LAFCO dealing with the City of Sunnyvale's actual city limits.

Councilmember Chu reported that he and Councilmembers Hamilton and Whittum recently toured NASA with the city manager and assistant city manager.

Councilmember Chu reported VTA had a special workshop on their budget April 24 to discuss an anticipated shortfall of \$23 million which will require significant changes to be made. At the next meeting the board will consider some of the changes.

### **NON-AGENDA ITEMS & COMMENTS**

Council:       None

Staff:         None

### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar

### **ADJOURNMENT**

Vice Mayor Moylan adjourned the meeting at 7:35 p.m.

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Kathleen Franco Simmons  
City Clerk

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Date